

## RESOLUTION NO. A-\_\_\_\_\_

## SPECIAL PERMIT NO. 1833A

1 WHEREAS, M & S Construction has submitted an application designated as  
2 Special Permit No. 1833A for authority to amend the Ashley Heights Community Unit Plan  
3 to add two dwelling units, revise the grading plan, relocate the park, and reconfigure a  
4 portion of the lots on property located at N.W. 48th Street and West Huntington Ave., and  
5 legally described to wit:

6 Outlots A, B, and D; Lots 1-22, Block 1; Lots 1-10, Block 2;  
7 Lots 1-21, Block 3; Lots 1-14, Block 4; Lot 1, Block 5; Lots 1  
8 and 2, Block 6; Lots 1 and 2, Block 7; Lots 1-10, Block 8; and  
9 Lots 1-27, Block 9; Ashley Heights Addition, all located in the  
10 Northeast Quarter of Section 18, Township 10 North, Range 6  
11 East of the 6th P.M., City of Lincoln, Lancaster County,  
12 Nebraska;

13 WHEREAS, the real property adjacent to the area included within the site  
14 plan for this community unit plan will not be adversely affected; and

15 WHEREAS, said site plan together with the terms and conditions hereinafter  
16 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal  
17 Code to promote the public health, safety, and general welfare.

18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
19 Lincoln, Nebraska:

20 That the application of M & S Construction, hereinafter referred to as  
21 "Permittee", to amend the Ashley Heights Community Unit Plan to add two dwelling units,  
22 revise the grading plan, relocate the park, and reconfigure a portion of the lots, on the  
23 property legally described above, be and the same is hereby granted under the provisions

1 of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that  
2 construction and operation of said community unit plan be in strict compliance with said  
3 application, the site plan, and the following additional express terms, conditions, and  
4 requirements:

- 5 1. This permit approves 297 dwelling units.
- 6 2. Before receiving building permits:
  - 7 a. The Permittee must submit an acceptable, revised, and  
8 reproducible final plan including five copies.
  - 9 b. The construction plans must conform to the approved plans.
  - 10 c. Final plats within the Ashley Heights Community Unit Plan  
11 must be approved by the City.
- 12 3. Before occupying the dwelling units all development and construction  
13 must be completed in conformance with the approved plans.
- 14 4. All privately-owned improvements must be permanently maintained  
15 by the Permittee or an appropriately established homeowners association approved by the  
16 City Attorney.
- 17 5. The site plan approved by this permit shall be the basis for all  
18 interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
19 elements, and similar matters.
- 20 6. The terms, conditions, and requirements of this resolution shall be  
21 binding and obligatory upon the Permittee, its successors, and assigns. The building  
22 official shall report violations to the City Council which may revoke the special permit or  
23 take such other action as may be necessary to gain compliance.

1                   7.     The Permittee shall sign and return the City's letter of acceptance to  
2 the City Clerk within 30 days following approval of the special permit, provided, however,  
3 said 30-day period may be extended up to six months by administrative amendment. The  
4 City Clerk shall file a copy of the resolution approving the special permit and the letter of  
5 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
6 Permittee.

7                   8.     The site plan as approved with this resolution voids and supersedes  
8 all previously approved site plans, however all resolutions approving previous permits  
9 remain in force unless specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_\_ day of \_\_\_\_\_, 2002:

\_\_\_\_\_  
Mayor